

AN ORDINANCE 2017-4

AN ORDINANCE TO PROVIDE FOR THE CREATION AND REGULATION OF ENTERPRISE ZONES PURSUANT TO O.C.G.A. § 36-88-1, *ET SEQ.*; TO PROVIDE CERTAIN EXEMPTIONS OR ADVANTAGES FOR QUALIFYING BUSINESSES AND SERVICE ENTERPRISES AND RESIDENTIAL DEVELOPMENTS WITHIN THE ENTERPRISE ZONE; TO CREATE AN ENTERPRISE ZONE; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council have found and declared that economically and socially-depressed areas exist within the City of Garden City and that these areas contribute to or cause unemployment and underutilization of property, and, in general, have a deleterious effect on the public health, safety, welfare, and morals; and,

WHEREAS, these areas are commonly characterized by the lack of investment by private enterprise in ventures which produce jobs, trade, provision of services, and other economic activities which individually and together contribute to a healthy society; and,

WHEREAS, the Mayor and Council find that lack of private investment and economic activity contributes materially to social and economic depressions in such areas; and,

WHEREAS, in accordance with the authorization powers granted local governments by O.C.G.A. § 36-88-1, *et seq.*, to create Enterprise Zones, the Mayor and Council find the public interests will be served by providing incentives which encourage private enterprise to invest in such areas by creating jobs and trade, providing services, and by other economic activities; and,

WHEREAS, the Mayor and Council find that the creation of Enterprise Zones in qualifying areas pursuant to the authority herein recited is consistent with the City's Urban Redevelopment Plan as well as the City's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF GARDEN CITY in regular meeting of Council assembled and pursuant to lawful authority thereof:

Section 1. That the Garden City Code of Ordinances is hereby amended by adding the following Chapter 84 entitled "Enterprise Zones."

"Chapter 84: Enterprise Zones

Article I – Procedural and Administrative Requirements.

Sec. 84-1 – Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

“Act” means the Georgia Enterprise Zone Employment Act, set forth at O.C.G.A. § 36-88-1 et seq., as amended.

“Ad valorem tax” means municipal ad valorem property taxes, excluding property taxes imposed by Chatham County and school districts or property taxes imposed for general obligation debt.

“Business enterprise” means any business engaged primarily in retail, manufacturing, warehousing and distribution, processing, telecommunications, tourism, research and development industries, new residential construction, and residential rehabilitation.

“Enterprise zone” means one or more geographic areas so designated by the City Council wherein local ad valorem taxes, occupational taxes, license fees, and other local fees and taxes, except local sales and use taxes or any combination thereof, may be exempted or reduced from applying qualified business and service enterprises.

“Full-time job equivalent” means a job or jobs with no predetermined end date, with a regular work week of 30 hours or more, and with the same benefits provided to similar employees.

“Low-income and moderate income individual” means a person currently:

- (1) Unemployed or unemployed for three of the six months prior to the date of hire;
- (2) Homeless;
- (3) A resident of public housing;
- (4) Receiving temporary assistance for needy families or who has received temporary assistance for needy families at any time during the 18 months previous to the date of hire;
- (5) A participant in the Workforce Investment Act or who has participated in the Workforce Investment Act at any time during the 18 months previous to the date of hire;

- (6) A participant in a job opportunity where basic skills are required or who has participated in such a job opportunity at any time during the 18 months previous to the date of hire;
- (7) Receiving supplemental social security income; or
- (8) Receiving food stamps.

“New job” means a new “full-time job equivalent” employment for an individual created within an enterprise zone by a new or expanded qualified business or service enterprise at the time of the initial staffing of such new or expanded enterprise.

“Service enterprise” means an entity engaged primarily in finance, insurance, and real estate activity or activities listed under the Standard Industrial Classification (SIC) Codes 60 through 67 according to the Federal Office of Management and Budget Standard Industrial Classification Manual, 1987 edition, or engaged primarily in day-care activities.

Sec. 84-2 – Purposes.

This Chapter has been enacted based upon a recognized need for revitalization in geographic areas within the City that are suffering or may suffer from disinvestment, underdevelopment, and economic decline and is intended to provide encouragement and incentives to private businesses to reinvest, renovate, restore, improve and rehabilitate such areas for new housing construction and the economic viability and profitability of businesses and commerce and to generate increased employment opportunities for residents of such areas.

Sec. 84-3 – Qualifying business or service enterprise.

A qualifying business or service enterprise is an enterprise which caused employment to increase by five or more new full-time job equivalents in a designated Enterprise Zone and which provides additional economic stimulus in such zone. Additionally, the business or service enterprise must engage in new construction; make additions to existing structures; engage in substantial renovation of existing structures; make a significant investment in equipment replacement or expansion; or otherwise alter the physical premises in which the business or service enterprise operates in a manner which adds substantial value to the structures. Cosmetic changes or remodeling to the appearance of a structure which does not increase the assessed valuation of the property by more than twenty-five (25%) percent does not meet the construction or renovations standards of this Section. The quality and quantity of such additional economic stimulus shall be determined, on a case-by-case basis, by the City Council. In making such determination, the Mayor and Council may rely upon information provided by the applicant, staff reports, economic studies, or other information determined by the Mayor and Council to provide a reliable indicator or economic stimulus. The burden shall be on the applicant to establish that the applicant meets the criteria set out in this Section. Such business or service enterprise may be new, an expansion

or reinvestment of an existing business or service enterprise, or a successor to such business or service enterprise. Whenever possible, ten percent of such new employees shall be low-income or moderate-income individuals, as defined under the Act.

Sec. 84-4 – Designation of Enterprise Zones.

City Council may designate one or more geographic areas as Enterprise Zones following an analysis of criteria (i.e., pervasive poverty, unemployment, general distress, underdevelopment, general blight) and data described in the Act. Any areas designated as an Enterprise Zone may be redesignated as an Enterprise Zone after the expiration of its initial term if the area continues to meet the criteria for an Enterprise Zone.

Sec. 85-5 – Tax exemption; other incentives.

(a) Qualifying business and service enterprises in a designated Enterprise Zone shall be granted an exemption from municipal ad valorem taxes, excluding property taxes imposed by Chatham County and school districts or property taxes imposed for general obligation debt that would otherwise be levied on the qualifying business and service enterprise not to exceed the following schedule:

- (1) One hundred percent of the property taxes shall be exempt for the first five years;
- (2) Eighty percent of the property taxes shall be exempt for the next two years;
- (3) Sixty percent of the property taxes shall be exempt for the next year;
- (4) Forty percent of the property taxes shall be exempt for the next year;
and
- (5) Twenty percent of the property taxes shall be exempt for the last year.

(b) If a project consists of new residential construction, residential rehabilitation, or other rehabilitation of an existing structure and the value of the improvement exceeds the value of the land by ratio of five to one, then the exemptions set forth in this Section shall apply whether or not the project is carried out by a qualifying business or service enterprise. The tax exemptions pursuant to this paragraph shall commence on the first day of the year following designation of the project as a qualifying project under this paragraph.

(c) In no event shall the value of the property tax exemptions granted to qualifying business and service enterprises within an Enterprise Zone created by the City exceed ten percent of the value of the property tax digest of the City.

(d) For any qualifying business or service enterprise, the tax exemption described in this Section shall be effective upon approval by the Mayor and Council of the business or service enterprise as qualifying. The effective date of the tax abatement shall begin on January 1 of the year following the effective date of approval and such tax exemption shall continue for the pre-determined period even if the Enterprise Zone designation has terminated. A minimum of five new jobs must be maintained throughout the exemption period for a qualifying business or service enterprise to maintain eligibility for the tax exemption. Property tax exemptions granted to business or service enterprises that continue to qualify for the exemption shall continue for the full term of the incentives.

(e) Other incentives may be granted and will be determined on a case-by-case basis as approved by the City Council and may include exemption from any or all of the following:

- (1) Water/Sewer fees; or
- (2) Occupation taxes, license fees, or other local fees and taxes; or
- (3) Other local fees or taxes as authorized by the Mayor and Council.

(f) Notwithstanding any other provisions of this Chapter, the City may enter into agreements with qualifying business or service enterprises in designated Enterprise Zones to provide for modification or termination of any tax and fee exemptions and abatements.

Sec. 84-6 – Time limitations.

An area designated as an Enterprise Zone shall remain in existence for ten years from the first day of the calendar year immediately following its designation as an Enterprise Zone. Except as otherwise provided, property tax incentives granted to a qualified business or service enterprise shall remain in effect for the full term of the exemption period.

Sec. 84-7 – Reporting.

The City shall report to the Georgia Department of Community Affairs designations of Enterprise Zones as required by the Act, providing sufficient information to identify at a minimum the geographic boundaries of Enterprise Zones, the specific fees, and taxes to be exempted or abated, and the beginning and ending dates of the designation period.

Sec. 84-8 – Liaison.

The City Manager, or his/her designee, shall serve as a liaison for purposes of communication with the Georgia Department of Community Affairs and all other interested public and private agencies and entities and shall oversee Enterprise Zone activities and administration, and shall recommend to the Mayor and Council the establishment of Enterprise Zones.

Sec. 84-9 – Application.

(a) An entity desiring designation as “qualifying business or service enterprise” under this Article must apply to the City Manager. An application fee in an amount to be determined by the City Manager shall be required. In addition to other information requested by the City, the following items shall accompany the application:

- (1) The applicant’s ownership and management information;
- (2) A description of the business(es) conducted by the applicant at the subject location within the Enterprise Zone;
- (3) Documentation reflecting the number of full-time job equivalents maintained at the subject location within the Enterprise Zone as of the date of application, as compared to the number of such full-time equivalents maintained as of the effective date of the Enterprise Zone, and the projected number of full-time job equivalents three years after the proposed investment;
- (4) Description and documentation of any additional economic stimulus provided within the Enterprise Zone by the applicant;
- (5) A legal description of the property; and,
- (6) Documentation reflecting expenses and rehabilitation of any existing structure, if applicable.

Sec. 84-10 – Enforcement.

The City Manager, or his/her designee, shall administer, require compliance with, and enforce the provisions of this Chapter and shall adopt such administrative rules or regulations as are necessary to accomplish the same, including, but not limited to, ensuring compliance with all reporting requirements of the Enterprise Zone Employment Act and requiring reports and data from businesses and residents within the Enterprise Zone that are taking advantage of the incentives created by this Chapter in order to verify compliance with this Chapter and state law. Each qualifying business or service enterprise receiving an exemption herein shall provide the City

Manager, by December 31 of each year, a written report on the full-time job equivalents maintained by the business for the calendar year. Failure to maintain the incentive qualification may result in revocation and recapture of all incentives granted prior to the expiration of the incentive term. At the conclusion of each year, the City Manager will prepare a comprehensive report including, but not limited to the following Enterprise Zone evaluation tools: jobs created, amount of capital investment in the Enterprise Zone and the amount of taxes exempted.

Article II - Designation of Enterprise Zones.

Sec. 84-30 – Town Center Enterprise Zone.

(a) Enterprise Zone Established

City Council finds and determines that the area hereinafter described meets the eligibility criteria set forth in the Article I of this Chapter 84 and the Act, and hereby designates the area an Enterprise Zone to be known as the “Town Center Enterprise Zone,” effective January 1, 2018, to wit:

Boundary Description:

Beginning at a point which is the intersection of the eastern right-of-way line of Dean Forest Road and the northwestern corner of the Sweatt Tract, a 21.43 acre portion of the Lovell Company Tract, as shown on a plat dated November 8, 1995, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Subdivision Map Book 15-S, Page 62, thence running North 72 degrees 34 minutes 56 minutes West across Dean Forest Road to the intersection of the western right-of-way line of Dean Forest Road and the southeastern corner of Lot 3-A of a Recombination of Lots 1, 2, & 3, Barbee Subdivision, 7th G.M. District, Chatham County, Georgia, as shown on a plat of survey dated May 7, 2013, and recorded in the aforesaid Clerk’s Office in Plat Record Book 48-P, Page 138; running thence along the southern boundary line of said Lot 3-A North 72 degrees 25 minutes 15 seconds West for a distance of 1,069.11 feet to the southwestern corner of said Lot 3-A; running thence in a northerly direction along the current city limits of Garden City, Georgia, until reaching the northwestern corner of the common area of Harbor Forest Office Park as shown on a plat of survey dated August 29, 1986, and recorded in the aforesaid Clerk’s Office in Subdivision Map Book 41-S, Page 10; running thence South 72 degrees 03 minutes 10 seconds East for a distance of 553.25 feet to a point on the western right-of-way line of Dean Forest Road; running thence in a northerly direction along the western right-of-way line of Dean Forest Road until reaching the intersection of the western right-of-way line of Dean Forest Road with the western extension of the southern boundary line of Raspberry Canal; running thence in an easterly direction across Dean Forest Road along the western extension of the southern boundary line of Raspberry Canal

to a point constituting the intersection of the eastern right-of-way line of Dean Forest Road and the southern boundary line of Raspberry Canal, which point is also the southern corner of that certain thirty (30) acre parcel now or formerly of Mrs. Annie A. Davis as shown on a plat prepared by Robert D. Gignilliat, Jr., C.C.S., dated June 30, 1950, and recorded in the aforesaid Clerk's Office in Plat Record Book D, Page 176; running thence South 39 degrees 30 minutes East along the southwestern boundary line of Raspberry Canal (also being the northeasterly boundary line of said thirty (30) acre parcel) for a distance of 2,104.0 feet to a point; running thence South 18 degrees 30 minutes West for a distance of 1,301.4 feet, more or less, along the eastern boundary lines of the above-mentioned thirty (30) acre parcel now or formerly of Mrs. Annie A. Davis, as well as that certain thirty (30) acre parcel now or formerly of Claude Massey, as shown on the above-mentioned plat recorded in the aforesaid Clerk's Office in Plat Record Book D, Page 176, to a point on the northern right-of-way line of Constantine Road (a thirty (30') foot wide right-of-way); running thence South 18 degrees 30 minutes West for a distance of thirty (30) feet to a point on the southern right-of-way line of Constantine Road; running thence South 18 degrees 34 minutes 55 second West for a distance of 163.31 feet along the eastern boundary line of an 18.90 acre parcel now or formerly of Garden City as shown on a plat recorded in the aforesaid Clerk's Office in Plat Record Book 45-P, Page 16-B, to a point constituting the southeastern corner of said 18.90 acre parcel; running thence South 17 degrees 26 minutes West for a distance of 532.2 feet along the eastern boundary line of a seven (7) acre parcel now or formerly of William L. Bruner as shown on a plat recorded in the aforesaid Clerk's Office in Plat Record Book Z, Page 129, to a point constituting the southeastern corner of said seven (7) acre parcel; running thence North 72 degrees 34 minutes 56 seconds West along the southern boundary lines of certain parcels abutting Sunshine Road to the North for a distance of 2,237.64 feet, more or less, to a point constituting the intersection of the eastern right-of-way line of Dean Forest Road and the northwestern corner of the above-mentioned Sweatt Tract as shown on a plat dated November 8, 1995, and recorded in the aforesaid Clerk's Office in Subdivision Map Book 15-S, Page 62, said point of intersection constituting the Point of Beginning.

(b) Criteria of State Met

The City Council's creation of the "Town Center Enterprise Zone" is based on the following criteria:

(1) The majority of the Town Center Enterprise Zone, which constitutes parcels abutting each other and does not contain a noncontiguous parcel, is within Census Tract 105.01, Blocks 3 and 4 with poverty rates of 30.3% and 54.3%.

Town Center Enterprise Zone City of Garden City, Georgia



- 1 6-0989A-02-025
- 2 6-0989A-02-026
- 3 6-0989-01-008C
- 4 6-0989-01-008D
- 5 6-0989-01-012
- 6 6-0989-01-013
- 7 6-0989-01-013A
- 8 6-0989-01-013B
- 9 6-0989-01-015A
- 10 6-0989-01-015B
- 11 6-0989-01-015D
- 12 6-0989-01-016
- 13 6-0989-01-016A
- 14 6-0989-01-020
- 15 6-0989-01-020A
- 16 6-0989-01-020B
- 17 6-0989-01-024
- 18 6-0989-01-024
- 19 6-0989-01-026A
- 20 6-0989-01-026B
- 21 6-0989-01-025
- 22 6-0989-01-062
- 23 6-0989A-01-001
- 24 6-0989-01-071
- 25 6-0989-01-072
- 26 6-0989-01-073
- 27 6-0989-01-074
- 28 6-0989-01-075
- 29 6-0989-01-076
- 30 6-0989A-02-002
- 31 6-0989A-02-003
- 32 6-0989A-02-004
- 33 6-0989A-02-008
- 34 6-0989A-02-009
- 35 6-0989A-02-012
- 36 6-0989A-02-018
- 37 6-0989-02-001
- 38 6-0989-02-003
- 39 6-0989-02-004
- 40 6-0989-01-069
- 41 6-0989-01-070
- 42 6-0989A-02-019
- 43 6-0989A-02-020
- 44 6-0989A-02-021
- 45 6-0989A-02-022
- 46 6-0989A-02-023
- 47 6-0989A-02-024
- 48 6-0989A-02-027
- 49 6-0989A-02-028
- 50 6-0989-01-069L
- 51 6-0989-02-005
- 52 6-0989A-02-017
- 53 6-0989-01-077



(2) The Town Center Enterprise Zone is designated as a "Less Developed Census Tract (LDCT)" by the Georgia Department of Community Affairs, evidenced by the lack of development data, building permits, and development fees.

(3) The Town Center Enterprise Zone is located within one of the areas targeted in the City's Urban Redevelopment Plan based on blighted and slum conditions such as poor housing conditions, lack of public infrastructure, vacant commercial lots, low land values, vacant and under-utilized commercial buildings, and property maintenance/code enforcement issues.

Section 2. If any provision of this Chapter is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion thereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Chapter.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective on January 1, 2018.


ADOPTED, this 15th day of May, 2017.



RHONDA FERRELL-BOWLES

Clerk of Council

RECEIVED AND APPROVED THIS 15th day of May, 2017.



DON BETHUNE, Mayor

Read first time: 5/1/17

Read second time and passed: 5/15/17